
EDR REPORT AND REGULATED MATERIALS TECHNICAL MEMORANDUM

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Technical Memorandum

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Project: N-12 Niobrara East and West EIS

Job No. 84534

To: Project File

From: HDR

Subject: Regulated Materials

I. Introduction

The U.S. Army Corps of Engineers (Corps) is preparing an environmental impact statement (EIS) for the proposed reconstruction of the Nebraska Highway 12 (N-12) roadway east and west of the Village of Niobrara (Niobrara), Nebraska (Project). Because the Project would have impacts on regulated waters of the U.S. and would require a Clean Water Act Section 404 permit, and because no other federal action is required, the Corps is the lead federal agency for compliance with the National Environmental Policy Act (NEPA).

The purpose of this technical memorandum is to describe the existing regulated materials sites within the Project Study Area established for the EIS (Figure 1). The area studied for the regulated materials includes a one mile distance around the Project Study Area. Sites located within the Study Area (which includes the footprint of all preliminary build concepts considered) were subjected to additional review, and an assessment of the potential risk (high, medium, or low) was performed using Site Classification Criteria (see Section IV, below) by Todd Wilson, a chemist experienced in conducting regulated material investigations in 2008. The reevaluation was completed by Todd Wilson on April 13, 2015.

The information presented in this Technical Memorandum is used to describe the existing conditions and associated impacts on alternatives carried forward for analysis in the N-12 Draft EIS. This technical memorandum has been developed prior to completion of alternative screening. Therefore, the full range of alternatives has been evaluated. Detailed information on the purpose of and need for the Project and on the alternatives carried forward for analysis is provided in the N-12 Draft EIS. The range of alternatives evaluated in this technical memorandum are¹:

- No Action – Section 404 permit denied; new roadway not constructed
- Alternative A1 – Elevation raise on the existing N-12 alignment

¹ Alternatives A5 and A6 were developed as part of the bridge alternative refinement process. They were iterations of the same concept, that is, an elevated roadway following Alternative A2 alignment and Alternative A3 alignment. Due to various factors, these alternatives were not advanced. Alternatives A4 and A7 represent the elevated roadway alternatives on the Alternative A2 and Alternative A3 alignments. In addition, Alternative B2 (south of Bluffs) was eliminated from detailed analysis because it has no distinct advantages or distinguishing features from those of Alternative B1 and the east segment of B2 was determined not logistically practicable.

- Alternative A2 – Elevation raise parallel to the existing N-12 alignment
- Alternative A3 – New roadway along the base of the Missouri River bluffs
- Alternative A4 – Same alignment as Alternative A2 but with 3.6 miles of bridges
- Alternative A7 – Same alignment as Alternative A3 but with 1.8 miles of bridges incorporated
- Alternative B1 – New roadway along the top of the Missouri River bluffs

II. Methodology

This study identifies the existence of hazardous materials and waste sites, either from the presence of stored materials or from past spills or leaks. The presence of hazardous materials and waste sites in the Study Area was identified using the following methods:

A review of information contained in environmental databases to identify the possible presence of regulated materials within or adjacent to the Study Area and area of potential impact within the Study Area. A search of federal and state databases was conducted by Environmental Data Resources, Inc. (EDR), dated August 8, 2008. Since the initial EDR was completed in 2008, a review of the Nebraska Department of Environmental Quality (NDEQ) Integrated Management System (IMS), the Nebraska State Fire Marshal Underground Storage Tank (UST), and the Environmental Protection Agency Facility Registry System database was completed on April 13, 2015 to determine if additional sites should be included or update sites included in the 2008 EDR.

A review of the environmental database report was initially conducted in 2008 and updated in 2011. Due to the age of the environmental database report, Google Earth™ aerial photos and electronic databases including the NDEQ IMS, the Nebraska State Fire Marshal, and the Environmental Protection Agency Facility Registry System were evaluated on April 13, 2015.

Visual reconnaissance of the corridor to review known sites and search for new sites by Matt Pillard and Quinn Damgaard in 2008. Google Earth™ was evaluated in April 2014; however, the “street view” was dated October 2008. Google Earth™ aerial views and electronic databases were the only items available to evaluate the corridor, as provided below:

- Environmental Protection Agency’s (EPA) Facility Registry System (EPA 2015)
- Nebraska State Fire Marshal (SFM) Registered Underground Storage Tank (UST) database (SFM 2015)
- The Nebraska Department of Environmental Quality (NDEQ) Underground Storage Tank section database on leaking underground storage tank (LUST) sites (<http://www.deq.state.ne.us/LUSTSurf.nsf/Pages/SSSI>), reviewed March 27, 2015.
- Nebraska Department of Environmental Quality’s (NDEQ) Leaking UST and Surface Spill Site Information (NDEQ 2015a)
- NDEQ’s Interactive Mapping System (NDEQ 2015b)
- Google Earth™ Aerial Mapping, reviewed April 13, 2015.

III. Environmental Review

Publicly available environmental records pertaining to the Study Area were reviewed to identify sites that have the potential to be impacted by either hazardous substances or petroleum hydrocarbons. The EDR database review included a search of the following records:

- Federal American Society for Testing of Materials (ASTM) Records
 - National Priority List (NPL)
 - Proposed NPL
 - Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)
 - Emergency Responses Notification System (ERNS)
 - Resource Conservation and Recovery Information System (RCRIS)
 - CERCLIS-No Further Remedial Action Planned (NFRAP)
 - Corrective Action Report (CORRACTS)
- Federal Supplemental ASTM Records
 - Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)/Toxic Substance Control Act (TSCA) Tracking System (FTTS)
 - Facility Index System/Facility Identification Initiative Program Summary Report (FINDS)
 - Hazardous Materials Information Reporting System (HMIRS)
 - Material Licensing Tracking System (MLTS)
 - PCB Activity Database System (PADS)
 - RCRA Administrative Action Tracking System (RAATS)
 - Toxic Chemical Release Inventory System (TRIS)
 - Toxic Substances Control Act (TSCA)
 - Mines Master Index File (MINES)
 - Delisted NPL
 - Superfund (CERCLA) Consent Decrees (CONSENT)
 - Records of Decision (ROD)
 - NPL Liens
 - Brownfields
- State ASTM Records
 - LUST Data
 - Underground Storage Tank Data (UST)
 - State Hazardous Waste
 - State Landfill
- State Supplemental ASTM Records
 - Spills Database (SPILLS)
- EDR Proprietary Historical Records
 - Coal Gas

The preliminary locations of sites identified in the databases were plotted on a Geographic Information System layer. Figure 1 identifies all sites up to a mile of the Study Area. A standard



ASTM E 1527-08 Phase I Environmental Site Assessment search distance was applied to the Study Area. The Study Area consists of seven roadway construction alternatives. The database plots were corrected by reviewing known addresses of facilities on aerial maps using parcel information, as well as performing a field visit for verification of facilities near the Study Area.

IV. Site Classification Criteria

The Sites are classified using Iowa's Office of Location and Environment definitions for high, moderate, low, or minimal risk according to the following criteria:

- **High Risk** – CERCLA or NPL sites; RCRA Corrective Action sites; RCRA Transportation, Storage, or Disposal sites; State Hazardous Waste Sites; CERCLIS sites; RCRA sites under Administrative Orders; former manufactured gas plant sites; or any property where evidence of a release of regulated materials was observed during the field corridor review or site visit
- **Moderate Risk** – LUST sites (except those with a No-Further-Action (NFA) designation by NDEQ); automobile junkyards and salvage yards; and commercial and industrial facilities where the potential for regulated materials was observed during the field corridor review or site visit and sloppy housekeeping practices were observed to an extent that the potential for environmental contamination is higher than if normal waste management practices had been followed
- **Low Risk** – LUST sites with an NFA designation; RCRA Small-Quantity or Large-Quantity Generators; CERCLIS sites with an NFRAP determination; UST sites; above-ground storage tank sites; permitted users or generators of regulated materials that do not have releases listed in environmental databases or other documentation; sites regulated under air emissions permits; animal confinement operations sites; and commercial/industrial facilities where the potential for regulated materials to be present was observed during the site visits but no evidence of releases was observed or reported
- **Minimal Risk** – Houses; farms; agricultural land; vacant or timbered land; and commercial properties where a low potential or no potential for regulated materials to be present was observed during the site visits

V. Results of Site Classification

This section identifies the risk of each site located within the Study Area. Table 1 (located at the end of this memorandum) lists each site. An asterisk (*) is used to identify sites that may be impacted by one or more of the road Alternatives limits of construction plus a 6 foot buffer (Figure 2). The Site Classification Criteria were used to rank the sites. A brief description of each site and the reason for its ranking follows:

A. High Risk

The following sites meet the definition of high risk:

- Niobrara East/West Landfills – The sites were listed in the EDR Orphans database. The landfills are presumed to be unlined, and may contain industrial materials including fuels, solvents, pesticides and household wastes. The landfill soil and groundwater may contain contaminants in concentrations above EPA and NDEQ Voluntary Cleanup Program values. Currently, the east landfill is used for burning of trees.

B. Moderate Risk

No sites were identified that meet the definition of moderate risk.

C. Low Risk

The following sites meet the definition of low risk:

- *Former Ohiya Casino & Bingo – The site is listed as a State Hazardous Waste Site as part of the landfill associated with the Santee Tribe. The landfill is approximately 6 miles northeast of the Former Ohiya Casino & Bingo location. The site is now operated as a Dollar General Store. This site is considered a low risk to the proposed construction Alternatives. Several Alternatives are near this location (Figure 2), but the landfill is not located within the Study Area.
- *Former Feather Hill Express – The site was listed in the UST database which indicates the tanks have been removed. The site is now operated as a maintenance facility. This site is considered a low risk to the proposed construction Alternatives. Several Alternatives are near this location (Figure 2), may encounter RV pads, but not the UST or AST locations.
- Greg's Motor – Greg's Motor and Marine is listed in the LUST, UST and FINDS databases. The LUST was investigated and the NDEQ provided a No Further Action (NFA) letter. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- Niobrara Trading Post – The Niobrara Trading Post is listed in the LUST and UST databases. The LUST was investigated and the NDEQ provided a NFA letter. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- Moody Motor Company – Moody Motor Company is listed in the FINDS, LUST, and UST databases. The LUST was investigated and the NDEQ provided a NFA letter. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- J and K Auto – J and K Auto is listed in the FINDS, LUST and UST databases. The LUST was investigated and a NFA letter provided. The site is considered low

risk since the site is outside of the Study Area and no construction activities will be conducted near this location.

- Olson's School – Olson's School is listed in the FINDS and LUST databases. The leaking tanks were removed, the site investigated and closed by NDEQ. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- Niobrara Sand and Gravel – Niobrara Sand and Gravel is listed in the FINDS database. This site is no longer in operation.
- Verdigre CO-OP Association – Verdigre CO-OP is listed in the FINDS database. This site is no longer in operation.
- Niobrara Wastewater Treatment – Niobrara Wastewater Treatment is listed in the National Pollutant Discharge Elimination System (NPDES) and FINDS databases. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- Donald Knori Residence – Donald Knori is listed in the UST database.
- Nebraska Department of Roads – Nebraska Department of Roads indicates a LUST was investigated, removed, and a NFA letter provided. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- *Santee Hay Cubes – The Santee Hay Cubes are listed in the FINDS and the AIR databases. This site is considered a low risk to the proposed construction Alternatives. Several Alternatives are near this location (Figure 2), but will remain near the current roadway layout.
- Hunter's Haven – Hunter's Haven is listed in the LUST database. The LUST was investigated, removed, and a NFA letter provided. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- Dew Drop Inn – The Dew Drop Inn is listed in the LUST database. The LUST was investigated and a NFA letter provided. The site is considered low risk since the site is outside of the Study Area and no construction activities will be conducted near this location.
- Standing Bear Bridge – The Standing Bear Bridge (Nebraska Highway 14) is listed in the SPILLS database. A motor vehicle spill occurred at this location, was cleaned up and the site closed as NFA. The site is considered low risk since the site has been remediated.

VI. Other Sites of Consideration

Potentially impacted residential and commercial structures or bridges located along the corridor may contain lead-based paint and asbestos-containing materials. The risk for regulated material sites to impact the proposed activities along N-12 is minimal within the Study Area.



VII. Conclusion

A review of readily available information relating to regulated material sites within or close to the N-12 Study Area has identified two potential high-risk sites, no potential moderate-risk sites, and a number of low-risk sites (see Table 1), depending on the road alternative selected.

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Table 1
Regulated Materials Sites Located within the Area of Potential Impact or Study Area

Code ¹	Risk	Name	Address	City, State
S	Low	Former Ohiya Casino & Bingo	52946 Highway 12	Niobrara, NE
SWF	High	Niobrara East Landfill	Not provided	Niobrara, NE
AST	Low	Feather Hill Express	52950 Highway 12	Niobrara, NE
M	Low	Niobrara Sand and Gravel (No Longer Present)	Not provided	Niobrara, NE
F, L	Low	Greg's Motor and Marine	250 Walnut Street	Niobrara, NE
F	Low	Ed's Service & Supply (No Longer Present)	248 Walnut Street	Niobrara, NE
U, L	Low	Niobrara Trading Post	248 Walnut Street	Niobrara, NE
F, U, L	Low	Moody Motor Company	251 Spruce Avenue	Niobrara, NE
F	Low	Verdigre CO-OP Association (No Longer Present)	252-1 Spruce Avenue	Niobrara, NE
F, U, L	Low	J and K Auto	255 Spruce Avenue	Niobrara, NE
F, U, L	Low	Olson's School	256 Juniper Road	Niobrara, NE
F, N	Low	Niobrara Wastewater Treatment	254-14 Park Avenue	Niobrara, NE
U	Low	Donald Knori (No Longer Present)	20 Cottonwood Drive	Niobrara, NE
F	Low	Santee Sioux Indian Reservation	Not provided	Niobrara, NE
F	Low	Santee Hay Cubes	Highways 12 and Spur 54D	Niobrara, NE
LSP	Low	Nebraska Department of Roads	Highway 12 and Highway 14 junction	Niobrara, NE
L	Low	Dew Drop Inn	Highway 12/Main Street	Verdel, NE

Note:

- ¹ Defines the type of site in various databases:
- DOD – Department of Defense
 - F – Facility index system/facility identification initiative program summary report
 - L – Leaking underground storage tank
 - LAST – Leaking above ground storage tank
 - M – Mines master index file
 - N – National Pollutant Discharge Elimination System
 - S – State Hazardous Waste Site
 - SP – Spills database
 - SWF – Solid waste facility
 - U – Underground storage tank
 - AST – Aboveground storage tanks

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